

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal No. 2:09cr20

PAUL G. HIMES, JR.,

Defendant.

ORDER/OPINION

On the 22nd day of February 2013, came the defendant, Paul G. Himes, Jr., for an Initial Appearance pursuant to a Petition for Warrant or Summons for Offender Under Supervision filed in this case on February 19, 2013, alleging Defendant violated the mandatory condition of his Supervised Release that he not commit another federal, state or local crime.

William C. Bechtold, Defendant's Supervising Probation Officer, noted three previous reports to the Court. In each case, the Probation Officer had recommended no further action, and the Court concurred.

The Court advised Defendant of his rights, in particular his right to counsel and his right to a preliminary hearing. On February 25, 2013, Attorney Katy J. Cimino was appointed to represent Defendant. The Government moved to Detain Defendant pending further hearings.

On February 27, 2013, Defendant filed a signed Waiver of a Preliminary Hearing, also signed by his counsel.

Upon consideration of all which, the Court finds there is probable cause to believe that the defendant violated conditions of his supervised release as alleged in the Petition for Warrant or Summons for Offender Under Supervision filed February 19, 2013.

It is therefore **ORDERED** that the defendant be bound over for a full hearing before the Honorable John Preston Bailey, Chief Judge of the United States District Court for the Northern

District of West Virginia on the violations alleged in the Petition for Warrant or Summons for Offender Under Supervision dated February 19, 2013.

Subsequently, the United States withdrew its Motion to Detain. Therefore, both the Preliminary Hearing and Hearing on Motion to Detain, previously scheduled for Thursday, February 28, at 9:00 a.m. is **CANCELLED**.

It is so **ORDERED**.

The clerk of the court is directed to send a copy of this order to counsel of record.

DATED: February 27, 2013

s/ John S. Kaul

JOHN S. KAULL
UNITED STATES MAGISTRATE JUDGE